

March 24, 1975

PRESIDENT: Senator Dickinson.

SENATOR DICKINSON: Mr. President, members of the Legislature, the amendment by the committee . . . again this is very true. I introduced these two bills at the request of the City Prosecutor for the city of Omaha. Frankly, neither they nor I knew that Senator Burbach was going to pull these bills out to be heard today. That might make a little difference. The committee amendment has become the bill. As I understand, the only reason for this bill is to give the right of appeal to either party in the case of a misdemeanor. I'm not going to argue the bill at all. I move it be advanced to E & R initial.

PRESIDENT: Senator Cavanaugh . . . yes sir.

SENATOR DICKINSON: I believe . . . I'm sorry. You called on me but the amendment hadn't been acted on. Did we act on the amendment that the committee offered?

PRESIDENT: Well Senator Cavanaugh's light was on. Now Senator Luedtke, it is the amendment that we have up. Don't we? Yes. We're debating the amendment, not the bill. Senator Cavanaugh.

SENATOR CAVANAUGH: I'll wait till the amendment is adopted.

PRESIDENT: The question is the adoption of the amendment to LB 210. Senator Luedtke, there is no response here then, is there? Record your vote. Record Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President.

PRESIDENT: The amendment passes. Now Senator Luedtke you moved the bill . . . no. Senator Dickinson, you moved the bills advancement. Do you wish to be heard on that at this time? Alright, you discussed it before. Senator Cavanaugh.

SENATOR CAVANAUGH: I'd ask Senator Luedtke a question I guess. This is a Judiciary bill, right?

SENATOR LUEDTKE: No, it's Senator Dickinson's bill.

SENATOR CAVANAUGH: Well, do you understand it?

SENATOR LUEDTKE: Are you trying to embarrass me? I think I understand what we did with it, but I'm still not . . . I still don't understand for sure why we need the bill.

SENATOR CAVANAUGH: Well here's my question, what's the effect of this relative to the bill passed earlier in the session relating to appeals from lower courts to district courts? I would notice that the language in this bill . . . I forget the number of that bill.

SENATOR LUEDTKE: 130, I think it is.

SENATOR CAVANAUGH: But the language in this bill is not consistent with that language. That language dealt with double jeopardy and the simple disposition of the issue rather than a reimposition or retrial of the individual. I don't see that written into this bill. I was just wondering why or why not.